## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA ROCK HILL DIVISION

Michael J. Sapienza,	)
Plaintiff,	) C.A. No. 0:09-3153-HMH-PJG
VS.	OPINION & ORDER
Michael Astrue, Commissioner of	) )
Social Security,	)
	)
Defendant.	

This matter is before the court on the Plaintiff's reply in support of his motion for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), which the court construes as a motion to reconsider. On November 8, 2010, the court denied the Plaintiff's motion for attorney fees. On November 15, 2010, the Plaintiff filed a reply and requested the court consider it in light of the fact that the filing deadline for the reply was November 15, 2010.

The court has considered the reply and finds that the Commissioner's decision was substantially justified because reasonable minds could differ as to the appropriate outcome in this action for the reasons set forth in its November 8, 2010 order.

## IT IS SO ORDERED.

s/Henry M. Herlong, Jr. Senior United States District Judge

Greenville, South Carolina November 16, 2010